

State of New Jersey  
Department of Labor and Workforce Development  
Board of Review

## MEMORANDUM

**To:** Cornelia Calderone, Chair, Joseph Sieber,  
Vice Chair, and Frank Serico, Member

**From:** Gerald Yarbrough, Executive Secretary  
Board of Review

**Subject:** Minutes of the January 4, 2006  
Board of Review Meeting

**Date:** January 5, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO  
CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, January 4, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, January 11, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair  
Mr. Sieber, Vice Chair  
Mr. Serico, Member  
Mr. Yarbrough, Executive Secretary

2. Following a motion by Mr. Serico and seconded by Mr. Sieber, the minutes of the December 28, 2005, meeting were approved.

3. Old Business

(a) 86,763

Mr. Serico presented this case that was previously discussed by the Board. The case was put back on the agenda for further discussion at the request of the Division. After further discussion, the Board noted that the claimant earned \$5,200 during the base year. As a result, the Board voted to hold the claim filed as of August 14, 2005 valid, and accept the decision prepared by Mr. Serico reversing the Appeal Tribunal.

#### 4. New Business

**(a)** 16, 403 et al

Ms. Futterman described this case that involved claimants who accepted retirement incentives from the employer to voluntarily leave work. The Appeal Tribunal had held the claimants disqualified for benefits under N.J.S.A. 43:21-5(a). The Board noted that the claimants' separations were not imminent and there was no "reduction in force" at the time the claimants left. As a result, the Board voted to affirm the Appeal Tribunal.

**(b)** 26, 430

As presented by Ms. Abrunzo, this case involved a claimant who gave notice that he was leaving work because he felt the work would aggravate a pre-existing medical condition. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). The Board noted that the claimant's condition was aggravated by the work prior to the effective date of his notice, which gave the claimant good cause attributable to the work for leaving. As a result, the Board voted to reverse the Appeal Tribunal. Ms. Abrunzo will prepare the decision.

#### 5. Public Portion

There being no further business to transact, a motion was made by Mr. Sieber to adjourn the meeting. Mr. Serico seconded the motion.

SUBMITTED FOR APPROVAL:

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Gerald Yarbrough  
Executive Secretary

GY:gs

